

AMENDED IN ASSEMBLY MAY 28, 2008  
AMENDED IN ASSEMBLY MARCH 6, 2008  
AMENDED IN SENATE APRIL 24, 2007  
AMENDED IN SENATE MARCH 29, 2007

## SENATE BILL

**No. 27**

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**Introduced by Senator Simitian**  
(Principal coauthor: Assembly Member Wolk)

December 4, 2006

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~~An act to add Division 26.6 (commencing with Section 79600) to the Water Code, relating to financing a water quality, environmental enhancement, and water supply reliability program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds. An act to add Section 8587.8 to the Government Code, to add Section 29759 to the Public Resources Code, and to amend Section 12995 of the Water Code, relating to the Sacramento-San Joaquin Delta.~~

### LEGISLATIVE COUNSEL'S DIGEST

SB 27, as amended, Simitian. ~~Sacramento-San Joaquin River Delta; Clean Drinking Water, Water Supply Security, and Environmental Improvement~~ *Emergency Preparedness Act of 2008.*

*(1) Existing law prescribes the duties of the Office of Emergency Services in planning and coordinating disaster mitigation and response efforts in the state.*

*This bill would require the Office of Emergency Services to prepare an educational pamphlet for use by appropriate personnel in schools that maintain a kindergarten or any of grades 1 to 12, inclusive, to*

*identify the risks posed by flooding due to levee failure in the Sacramento-San Joaquin Delta. The office would be required to distribute copies of the pamphlet to the governing board of each school district and community college district in the delta.*

*(2) Existing law, the Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992 establishes the Delta Protection Commission and requires the commission to prepare and adopt a comprehensive long-term resource management plan for specified lands within the delta.*

*This bill would require the commission to implement the emergency management and preparation recommendations for near-term actions set forth in the Blue Ribbon Task Force Delta Vision Report, dated November 30, 2007.*

*(3) Existing law authorizes the Department of Water Resources and the Central Valley Flood Protection Board to cooperate with the United States Army Corps of Engineers to develop and implement delta levee rehabilitation, improvement, and realignment, and to enhance the environment.*

*This bill would require the department to establish stockpiles of emergency response materials to fix breaches in delta levees on a delta island in a central and easily accessible location. The department would be required, by December 31, 2009, to adopt guidelines that allow state and local agencies with responsibility for repairing levee breaches to borrow from the stockpiles, as specified.*

~~Under existing law, various bond acts have been approved by the voters to provide funds for water projects, facilities, and programs. Under existing law, various state agencies administer programs relating to water supply, water quality, and flood management in the Sacramento-San Joaquin Delta.~~

~~This bill would enact the Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2008, which, if approved by the voters, would authorize, for the purposes of financing a water quality, environmental enhancement, and water supply reliability program, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$4,000,000,000. The bill would require the Secretary of State to submit the bond act to the voters at the November 4, 2008, statewide general election.~~

~~The bill would establish in state government the Delta Water and Land Use Authority, prescribe the composition of its board of directors,~~

~~and grant to the authority a broad range of powers relating to the preservation of the delta ecosystem and the delivery of a reliable state water supply. The bill would authorize the authority to contract to design, construct, and own one or more facilities to move water from the Sacramento River to federal and state pumping facilities on behalf of the State Water Project, the federal Central Valley Project, and local water agencies that can reasonably be served by those facilities.~~

~~The bill would authorize the authority to exercise the powers and duties of the Department of Water Resources with respect to the financing, design, construction, ownership, and operation of those facilities. The authority would succeed to the powers and duties of the California Bay-Delta Authority, which would cease to exist on the date on which the authority conducts its first meeting. The bill would authorize the authority to issue revenue bonds to finance the design, environmental review, permitting, and construction of those facilities. The bill would authorize the authority to impose a fee for the transmission of water through these facilities, and would continuously appropriate funds generated by that fee to the authority to repay the revenue bonds and to pay other costs, including costs associated with the operation and maintenance of the facility and the expenses of the authority.~~

~~The bill would require the authority to impose other fees, including a fee, not to exceed \$50 per acre-foot of water transmitted through the facilities, or otherwise pumped from the delta, as specified, on federal and state contractors and affected local water agencies. The bill would authorize the authority to impose a fee on specified water users to mitigate impacts on delta ecological functions caused by their diversions. The bill would require the funds generated by these fees to be deposited in the Clean Drinking Water, Water Quality Improvement, and Environmental Enhancement Fund, which the bill would establish. Funds generated by these fees would be continuously appropriated to the authority for an environmental restoration program. Proceeds generated from the issuance of general obligations bonds would be deposited in the fund. These proceeds would be continuously appropriated to the authority for capital outlay projects in accordance with the bill's provisions.~~

~~The bill would establish within the California Coastal Commission the Delta Watershed Conservancy. The conservancy would be required to implement projects and programs, within the watershed of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and the watershed~~

of the Trinity River, to restore and enhance the bay-delta ecosystem and improve water quality. The bill would require the authority to adopt or reject each decision of the conservancy. The bill would subject any approval of development by a city or county in specified zones of the delta, and certain lands adjacent to the delta, to review by the Delta Protection Commission. The commission would be prohibited from approving that development unless specified requirements are met. The bill would require the authority to adopt or reject these land use decisions of the commission. Public agencies would be required to manage agricultural lands they own within the delta in a specified manner.

The bill would provide that its provisions would only become operative if a specified measure is approved by the voters at the November 4, 2008, statewide general election.

Vote:  $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. This act shall be known, and may be cited, as the  
2     Sacramento-San Joaquin Delta Emergency Preparedness Act of  
3     2008.

4     SEC. 2. Section 8587.8 is added to the Government Code, to  
5     read:

6     8587.8. (a) The Office of Emergency Services, in cooperation  
7     with the State Department of Education, the Department of General  
8     Services, and the Delta Protection Commission, shall prepare an  
9     educational pamphlet for use by appropriate personnel in schools  
10    that maintain a kindergarten or any of grades 1 to 12, inclusive,  
11    to identify the risks posed by flooding due to levee failure in the  
12    Sacramento-San Joaquin Delta.

13    (b) The office shall distribute copies of the pamphlet to the  
14    governing board of each school district and community college  
15    district in the delta. The office, upon request, shall also make the  
16    pamphlet available to private elementary or secondary schools.

17    (c) The office, as soon as feasible, shall make the pamphlet  
18    available to the public by electronic means, including, but not  
19    limited to, the Internet.

20    SEC. 3. Section 29759 is added to the Public Resources Code,  
21    to read:

1     29759. (a) *The commission, in cooperation with the Office of*  
2 *Emergency Services and the Department of Water Resources, shall*  
3 *implement the emergency management and preparation*  
4 *recommendations for near-term actions set forth in the Blue Ribbon*  
5 *Task Force Delta Vision Report, dated November 30, 2007.*

6     (b) *The commission's implementation of the recommendations*  
7 *shall include, but not be limited to, all of the following:*

8     (1) *The conduct of an all-hazards emergency response exercise*  
9 *in the delta by March 31, 2009.*

10    (2) *The completion of a gap analysis of emergency management*  
11 *planning structures that are not required by law for the Department*  
12 *of Water Resources, Office of Emergency Services, or local*  
13 *agencies.*

14    (3) *The development of a comprehensive delta emergency*  
15 *preparedness and response regional strategic plan, using*  
16 *information from the gap analysis, by December 31, 2010. The*  
17 *plan shall include all of the following:*

18    (A) *A clear chain of command to be followed in an emergency*  
19 *response in the delta region, including all relevant federal, state,*  
20 *local, and nongovernmental agencies.*

21    (B) *Specific benchmarks for recommending and ordering*  
22 *evacuations within the delta region.*

23    (C) *Lists of emergency response supplies to be stockpiled and*  
24 *locations for those stockpiles. The stockpiles shall include caches*  
25 *for citizen emergency response, as well as for emergency response*  
26 *personnel.*

27    (D) *Recommendations to local governments, including all of*  
28 *the following:*

29    (i) *Changes to building codes, such as requiring exits providing*  
30 *access to a building's roof.*

31    (ii) *Public awareness campaigns, such as painting lamp posts*  
32 *to show potential flood levels.*

33    (iii) *Guidelines for the development of regional evacuation*  
34 *plans.*

35    (E) *Guidelines for adequate labor resources necessary to*  
36 *respond to levee breaches, and appropriate division of those*  
37 *resources between relevant governmental and nongovernmental*  
38 *agencies.*

39    (F) *Recommendations to state agencies, including both of the*  
40 *following:*

1     (i) *Guidelines for contracts for the use of barges along the west*  
2     *coast of the United States to be used for the movement of people*  
3     *and supplies in an emergency.*

4     (ii) *Implementation of a boat search and rescue marshal*  
5     *program.*

6     SEC. 4. *Section 12995 of the Water Code is amended to read:*

7     12995. (a) The Legislature hereby finds and declares both of  
8     the following:

9     (1) There is an urgent need for rehabilitation and improvement  
10    of delta levees, and ~~that~~ the United States Army Corps of Engineers  
11    has a crucial and continuing role in that work.

12    (2) The department and the board have been cooperating with  
13    the United States Army Corps of Engineers in a feasibility study  
14    for rehabilitation and improvement of the levees in the delta. That  
15    feasibility study identified a federal interest in levee rehabilitation  
16    and improvements due to benefits to navigation, commerce, the  
17    environment, and flood damage reduction.

18    (b) The department and the board may cooperate with the United  
19    States Army Corps of Engineers to develop and implement delta  
20    levee rehabilitation, improvement, and realignment, and to enhance  
21    the environment.

22    (c) *The department shall establish stockpiles of emergency*  
23    *response materials to fix breaches in delta levees on a delta island*  
24    *in a central and easily accessible location. The department, on or*  
25    *before December 31, 2009, shall adopt guidelines that allow state*  
26    *and local agencies with responsibility for repairing levee breaches*  
27    *to borrow from the stockpiles, subject to replenishment of those*  
28    *materials borrowed at the borrowing agency's expense within six*  
29    *months of that borrowing.*

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32     **All matter omitted in this version of the bill**  
33     **appears in the bill as amended in the**  
34     **Assembly, March 6, 2008 (JR11)**  
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